REMARKS

Claims 5-20 are pending in the present application. Claims 1-4 and 12-14 are canceled, claims 7-10 are amended, and claims 21-27 are added. Reconsideration of the claims is respectfully requested.

I.   Interview Summary

On April 6, 2005, the examiner and the undersigned attorney discussed whether *Bolmarcich* is prior art. No agreement was reached.

II.   35 U.S.C. § 102, Anticipation

The examiner rejects claims 1-4 under 35 U.S.C. § 102(e) as anticipated by *Yavatkar* et al., Method and System for Diagnosing Network Intrusion, U.S. Patent 6,735,702 (May 11, 2004). Applicants have canceled claims 1-4, thereby rendering the rejection moot. Applicants reserve the right to argue for patentability of these claims in a continuation application.

III.   35 U.S.C. § 103, Obviousness

The examiner rejects claims 5-15, 18 and 20 under 35 U.S.C. § 103(a) as obvious over *Yavatkar* in view of *Bolmarcich* et al., System and Method for Establishing Direct Communication Between Parallel Programs, U.S. Patent 6,539,435 (Mar. 25, 2003). In addition, the examiner rejects claim 16 as obvious over *Yavatkar* in view of *Bolmarcich*, further in view of "Network Dispatcher: A Connection Router for Scalable Internet Services" (Hunt, G. et al., "Network Dispatcher: A Connection Router for Scalable Internet Services", Proceedings of the 7th International World Wide Web Conference Online, April 1998; unizh.home/mazzo/reports/www7conf/fullpaperes/1899/com1899 (hereinafter *Hunt*). In addition, the examiner rejects claim 17 as obvious over *Yavatkar* in view of *Bolmarcich*, in further view of *Shanklin* et al., Parallel Intrusion Detection Sensors with Load Balancing for High Speed Networks, U.S. Patent 6,578,147 (Jun. 10, 2003). The examiner also rejects claim 19 as obvious over *Yavatkar* in view of *Bolmarcich*, in further view of "Network- vs. Host-based Intrusion Detection: A Guide to Intrusion Detection Technology" (ISS Net, October 2, 1998;

(documents.iss.net/whitepapers/nvh-ids.pdf) (hereinafter "*NVHIDS*"). These rejections are respectfully traversed.

Bolmarcich is not prior art for purposes of an obviousness rejection. Thus, the examiner has failed to state prima facie obviousness rejections.

Bolmarcich qualifies for the exception provided under 35 U.S.C. § 103(c). *Bolmarcich* only qualifies as a reference under 35 U.S.C. § 102(e) because the filing date of the present application, July 27, 2001 is before the earliest publication date for *Bolmarcich*, September 12, 2002. In addition, both *Bolmarcich* and the claimed inventions were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person (International Business Machines Corporation). The relevant text of 35 U.S.C. § 103(c) provides as follows:

> (c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

When the above facts are read in view of this law, it is apparent that *Bolmarcich* cannot be used to preclude patentability of the claims. Accordingly, *Bolmarcich* is not prior art. Because all of the obviousness rejections in some way rely on *Bolmarcich*, Applicants respectfully request that the withdrawal of the obviousness rejections and allowance of the corresponding claims.

IV. Objection to Claims

The examiner objects to claims 7-10 due to informalities in the claims. Applicants have amended these claims accordingly.

V. New Claims

Applicants have added claims 21-27. Claims 21-24 claim a method of detecting a network attack that corresponds with the method described in Figure 5. Claims 25-27 claim an apparatus for performing the method described in claim 25. Support for claims 21-27 may be found in Figure 5 and on pages 10 and 11 of the specification. No new matter is added.

Claims 21-27 should be allowable over the references the examiner cites. Claim 21 is as follows:

> 21.   A method of identifying the entry point of an attack upon a device protected by an intrusion detection system, said device one of a plurality of devices connected by a network, the method comprising the computer-implemented steps of:
>
> detecting an attack on the device;
>
> notifying a correlation engine of the attack on the device;
>
> obtaining intrusion information regarding the attack;
>
> obtaining network information regarding the attack;
>
> using the correlation engine, correlating the intrusion information and the network information to produce correlation information;
>
> using the correlation information, finding on the network a logical port of connection used by the attack; and
>
> mapping the logical port on the network to a physical port on the network using the correlation engine.

None of the references show or suggest a correlation engine or using the correlation engine as claimed. None of the references show mapping a logical port to a physical port using a correlation engine as claimed. Thus, none of the references anticipate claims 21-27. Similarly, claims 21-27 are non-obvious in view of the references when considered individually or in combination. Thus, claims 21-27 should be allowable over the cited references.
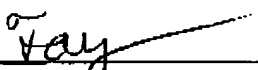
VI. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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